

C O P Y

1956

June 25

Mr. Adelard E. Cote, Commissioner
Labor Department
Star Building
Concord, New Hampshire

Dear Sir:

You have requested our opinion as to whether a widow and children would have a claim under the Workmen's Compensation Law provided a lump sum settlement had been made with the injured on account of an accident. You have also referred me to the recent decision of our Supreme Court in the case of Brown v. Hubert, decided April 27, 1956.

It has long been the opinion of this office that the Workmen's Compensation Law provides two types of compensation. One is the right of an injured employee to compensation for the loss which he has sustained from his injury and the other is a separate and distinct right to compensation for the loss which the dependents suffer upon death of the injured employee.

As indicated by the above case settlements or agreements entered into by the injured employee affect only his right of action and not that of his dependents which arises only upon the death of the injured employee. The right of action which the dependents acquire upon the death of the employee is a right which is personal to them and is not subject to any releases or agreements executed by the injured employee during his lifetime.

Very truly yours,

Arthur E. Bean, Jr.
Assistant Attorney General

AEB,Jr/T